



**United States Environmental Protection Agency
Region I - New England
5 Post Office Square, Suite 100
Boston, MA 02109-3912**

**Certified Mail
Return Receipt Requested**

MAY 10 2016

Ms. Lisa Fauteux,
Public Works Director
City of Nashua
9 Riverside Street
Nashua, NH 03062

Re: NPDES Permit No. NH0100170
Compliance with Consent Decree (Civil Action No. 05-376-PB, dated December 26, 2005, as modified on March 31, 2009)
Request for Information Pursuant to Sections 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a) (Docket No. CWA-308-R01-FY16-57)

Dear Ms. Fauteux:

The U.S. Environmental Protection Agency (EPA) is in receipt of the City of Nashua's letter dated January 12, 2016 regarding compliance with the Consent Decree (Civil Action No. 05-376-PB, dated December 26, 2005, as modified on March 31, 2009). The January 12th letter provides information on the City's compliance with items required under the Consent Decree. While we appreciate the efforts the City has made toward compliance with the Consent Decree, we find that additional information is needed to determine the status of compliance. Therefore, pursuant to EPA's authority under the Section 308(a) of the Clean Water Act (CWA), 33 U.S.C. § 1318(a), the City is required to respond to this Request for Information by June 10, 2016. Following EPA's receipt of this information, we believe it would be worthwhile for EPA, the City and the New Hampshire Department of Environmental Services (NHDES) to meet in mid-to late-June to discuss next steps.

1. While the City's January 12th letter states that "all scheduled CSO projects from the Consent Decree (paragraph 7) have been completed," we understand, based on the City's August 11, 2015 and November 18, 2015 letters to NHDES, that the wet weather flow treatment facility (WWFTF) had not been working correctly and, based on an evaluation of the system, some repairs and/or improvements had been made but also that additional work will be necessary. This work is currently being undertaken in phases in order to further identify and correct all deficiencies. Until such corrective work is completed and the WWFTF is fully functional, EPA does not consider all CSO projects to have been completed for the purpose of termination of the Consent Decree. Please provide a schedule for completion of work on the WWFTF and monthly updates on status of such work.

Please also be aware, that even after all remedial action items under the Consent Decree are satisfied and fully operational, the Consent Decree cannot be terminated until the City has "demonstrated compliance with its then-current NPDES permit to the satisfaction of the EPA for one year." As all the CSO projects have not been fully completed, this one year period has not yet begun.

Even though completion of construction of all the Remedial Measures in Section VI of the Consent Decree have not been completed, we are agreeable to the City not submitting future formal "reports on compliance" under Section VIII of the Consent Decree. However, pursuant to this information request, we are requiring Nashua to provide specific information to EPA and NHDES, including status on completion of WWFTF evaluations, repairs, modifications, and assessments as well as the information set forth below.

2. EPA also understands that Nashua has completed an inventory of all of the equipment at its wastewater treatment facility (WWTF) and has been replacing/rehabilitating/repairing the equipment in response to the NHDES' September 5, 2014 Notice of Findings (NOF) letter issued following an August 8, 2014 compliance inspection. Regarding the high flow management plan (HFMP), please submit the City's current written procedure for: (a) maximizing flows receiving secondary treatment; (b) initiating and terminating a bypass of flows around secondary treatment; (c) initiating and terminating flows being treated at the WWFTF; and (d) operational adjustments to maximize removal efficiencies, including the use of polymers.

Provide also a narrative description of the City's bypass decision-making process, including the specific authorization necessary to initiate and terminate a bypass event, including whether the operator on duty can initiate a bypass event without additional authorizations. Detail if, and exactly when, any changes have been made to this process due to: (a) WWTF equipment issues such as those identified by the NOF letter; (b) WWTF equipment repair/rehabilitation/replacement in response to the NOF letter; (c) the completion of construction of the WWFTF in January 2009; and (d) the WWFTF equipment failure and repair. Provide also a copy of any modifications or revisions to the City's HFMP dated April 30, 2010.

3. For the period starting September 1, 2015 through May 1, 2016, provide the number of days, exact dates, and total flow volumes:
 - a. bypassed around secondary treatment;
 - b. directed to the WWFTF; and
 - c. discharged from each CSO outfall, organized by outfall.
4. EPA and NHDES will send specific comments and questions on the City's post construction monitoring plan (PCMP) in a separate letter following our receipt of the

response to this information request. If the PCMP has been revised since Nashua's December 23, 2010 submission to EPA, provide an updated copy in response to this Information Request. In addition, if the City has undertaken any monitoring under the PCMP to date, please provide that information to EPA and NHDES.

In addition, EPA has received a copy of the City's 2016 MS4 report and has the following question:

5. If the City has written an Illicit Discharge Detection and Elimination (IDDE) Program under the Municipal Separate Storm Sewer (MS4) permit, please submit a copy, as well as any storm sewer system maps. Also, provide the number of illicit discharges investigated and identified since January 1, 2011, including the outfall identification number and the receiving water for each illicit discharge identified, as well as the address, the associated volume, the date the illicit discharge was identified and when it was removed, and what measures were taken after removal to ensure that no additional illicit discharges were active in the area. Additionally, describe the City's system for identifying priority areas for storm sewer outfall screening, and provide a list of outfalls considered to be prioritized outfalls based on this system.

Information submitted pursuant to this Request shall be sent by certified mail, and be addressed as follows:

United States Environmental Protection Agency, Region I
5 Post Office Square, Suite 100
Boston, MA 02109-3912
Attention: Joy Hilton
Water Technical Office, Mail Code OES04-3

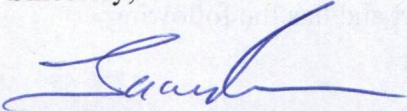
and

New Hampshire Department of Environmental Services
29 Hazen Drive, P.O. Box 95
Concord, NH 03302-0095
Attention: Tracy L. Wood, P.E., Administrator
Wastewater Engineering Bureau

Please be advised, compliance with this Request is mandatory. Failure to respond fully and truthfully or to adequately justify any failure to respond within the time frame specified above also constitutes a violation of the Clean Water Act subject to enforcement action, including the assessment of penalties. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal prosecution under 18 U.S.C. § 1001.

If you have any technical questions regarding this Request, you may contact Joy Hilton at 617-918-1877, or you may have your attorney contact Tonia Bandrowicz, EPA legal counsel in this matter, at 617-918-1734.

Sincerely,

A handwritten signature in blue ink, appearing to read "James Chow", with a stylized flourish extending to the right.

James Chow, Manager
Technical Enforcement Office
Office of Environmental Stewardship

cc: Tracy Wood, NHDES